

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AAN A. STANTON,

Plaintiff,

- against -

O R D E R

KATHEY CURANAJ and COBY GRAND CONCOURSE, LLC, 08 Civ. 2774 (NRB)

Defendants.

-----X
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS this case was filed pro se and seeks redress for employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, ("Title VII") as well as under New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 and New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131; and

WHEREAS Title VII defines "employer" as "a person . . . who has fifteen or more employees," 42 U.S.C. § 2000e(b); see Arbaugh v. Y&H Corp., 546 U.S. 500 (2006); and

WHEREAS at a pretrial conference on June 10, 2008 defendants' counsel, Robert Sparer, Esq., represented to the Court and to plaintiff that since its inception defendant Coby Grand Concourse LLC has employed fewer than fifteen people; and

WHEREAS the Court explained to plaintiff at the conference that if Coby Grand Concourse LLC in fact employed fewer than

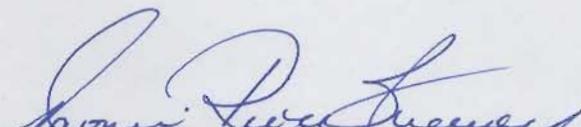
fifteen people then he would have to seek redress in another court; and

WHEREAS plaintiff was agreeable to dismissing the action without prejudice if Coby Grand Concourse LLC established that it did not have more than fifteen employees; and

WHEREAS defendants have submitted an affidavit averring that Coby Grand Concourse LLC has never employed 15 or more employees; it is hereby

ORDERED that this case is dismissed without prejudice to refiling in New York State court.

Dated: New York, New York
July 2, 2008



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Order have been mailed on this date to the following:

Aan A. Stanton
409 West 147th Street
New York, NY 10031

Robert Sparer, Esq.
Clifton Budd & DeMaria LLP
420 Lexington Avenue, Suite 420
New York, NY 10170